

The PRESIDING OFFICER. Such will be taken as the sense of the Senate, in the absence of objection.

REFERENCE OF REPORT OF MERCHANT MARINE COMMISSION.

Mr. GALLINGER. Mr. President, some days ago I submitted in behalf of the Merchant Marine Commission a report which was ordered printed, but it was not referred. This morning the views of the minority were presented and referred to the Committee on Commerce, and I now ask to have the report which I submitted some days ago formally referred to the Committee on Commerce.

The PRESIDING OFFICER. The report, which has been heretofore ordered printed, will be referred to the Committee on Commerce.

NATIONAL PARKS IN CALIFORNIA.

The bill (S. 3376) to authorize the Secretary of the Interior to acquire for the Government, by exchanges of public lands, the ownership of the private lands within certain public parks in the State of California, was considered as in Committee of the Whole. Wherever, and to the extent that the lands within the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, in the State of California, are held in private ownership, the Secretary of the Interior is authorized, in his discretion, to exchange therefor public lands of like area and value which are vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes.

The bill was reported to the Senate without amendment, ordered to engrossed for a third reading, read the third time, and passed.

LANDS FOR WANDERING INDIANS IN MONTANA.

The bill (S. 2705) for the relief of wandering American-born Indians of Rockyboy's band, Montana, was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, with the consent of the Indians of the Joco (Flathead) Reservation in the State of Montana, to be obtained in the usual manner, to set aside a tract of land in compact form within the boundaries of said reservation, sufficient in area to give not to exceed 40 acres each of arable land to such members, including men, women, and children, of the migratory band of Indians now roaming in said State, and known as Rockyboy's band, as shall, upon investigation, be satisfactorily shown to have been born in the United States and who may desire to settle permanently upon said reservation; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$8,800, or so much thereof as may be necessary, to pay the Indians of the Flathead Reservation at the rate of \$2 per acre for the lands relinquished and set apart for said migratory Indians; and a further sum of \$10,000, to be expended in assisting said Indians in making homes for themselves on said reservation; in all, \$18,800, to be immediately available.

Mr. TELLER. Who reported the bill?

The PRESIDING OFFICER. The bill was reported by the Senator from Nevada [Mr. STEWART], from the Committee on Indian Affairs, without amendment.

Mr. TELLER. Is there a written report?

The PRESIDING OFFICER. There is.

Mr. TELLER. Let it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. STEWART, from the Committee on Indian Affairs, February 26, 1904.

Mr. TELLER. The chairman of the committee has explained the bill to me and I understand what it is. I withdraw my request for the reading of the report.

Mr. PLATT of Connecticut. There is only one thing to be said relating to the passage of this bill. It establishes a precedent for the Government to buy lands for Indians who are wandering or who are not already on lands, for the purpose of settling them on the lands. It is the commencement of what may prove to be a very large and expensive policy.

Mr. TELLER. I have no doubt about it.

The bill was reported without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is House bill 14749.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. STEWART. Mr. President—

The PRESIDING OFFICER. The senior Senator from Alabama [Mr. MORGAN], pursuant to notice, is entitled to the floor.

Mr. MORGAN rose.

Mr. STEWART. I should like to give notice that when the Senator from Alabama gets through I shall make some remarks on the pending bill.

Mr. MORGAN. Mr. President, in the consideration of this measure, which in its final effect is not a bill, but a concurrent resolution of the two Houses of Congress, since its real vital force is the creation of two States by compact with four Territories, the Senate is performing, conjointly with the House, the highest, most independent, and most discretionary function that is confided by the Constitution to any branch of the Government.

It is the highest function of the Government under the Constitution of the United States, because it is creative of new States that are invested with the sovereignty that is intrusted to a body of our people for all the purposes of local self-government and will forever stand more nearly related to their personal rights, duties, and obligations, and are more their protector, ruler, judge, and servant than any other power in the Republic. It is the most independent branch of the Government, because no Department can direct or control or reverse or repeal its final decree, or place any limits upon its discretionary right to admit or to refuse to admit States into the Union.

In the exercise of this discretion the two Houses are not expressly confined by the Constitution to any method of procedure or to specific requirements as to the conditions upon which statehood may be granted to the people who apply for it. But no Senator or Representative is ever relieved from the obligation to support the Constitution in every official act he may perform.

The powers we are now employing in the consideration of this measure are closely analogous to that of making treaties, but are intrusted to different agencies, and the agreements with the people must be ratified by them, through their local governments, before the Houses can accept them. The powers conferred upon the Houses is to admit States, not masses of unorganized people, into the Union, and with their consent, which does not admit of any form of compulsion or duress; and the admission necessarily presupposes an application for admission on the part of the people.

Every Member of Congress must determine for himself whether the admission of a new State is in harmony with the purposes of government that are defined in the Constitution, and whether the people who are to constitute the State and exercise their sovereign powers in its control are the sovereign people who established the Republic and ordained the Constitution. In my judgment this is still the leading and indispensable condition for conferring statehood upon any body of people.

No change in the Constitution has been made by amendment that makes this condition any less obligatory and imperative than it was when the Constitution was ordained, and I can not vote to confer the sovereign rights and powers of statehood upon any race of people who were not admitted as participants in the establishment of the statehood of the original thirteen States and of the Republic of the United States of America.

THE GREAT DECREE OF THE PEOPLE.

The nationality that the sovereign people of the United States established for a new nation and as a distinct people separate from all other peoples and nations was established and defined by their own decree in the preamble to the Constitution of the United States in the following words:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The people of the United States date their legal existence as a separate, free, and sovereign people from that decree, which crystallized into the fundamental and paramount law of the Republic all that had been learned by the experiences of the Revolutionary war and all the better traditions of our race. They then assumed to themselves, in this formal decree, all the rights, powers, and obligations of sovereignty and independence and took their place among the nations of the earth as a united Republic composed of sovereign people whose rightful powers of self-government no other people had ever asserted or assumed, and of sovereign States whose foundations are immovable and perpetual.

Thus there came forth, in its first appearance in human government, a nation and a dynasty of the sovereign people of sovereign States united in a Republic. This great aggregate, as well as every unit of the grand sum of the people of the

United States, comprised a body politic composed of people and States that assumed to be dynastic, and asserted for themselves supreme and perpetual lordship and dominion as a race of rulers and law givers in the several States and in the United States. They decreed that these people, in the exercise of these powers, should rule in pursuance of law and that laws should be provided to define and regulate the electorate and to provide for the selection of officers to conduct the Government. These elections perpetuate this sovereign dominion and are, therefore, the vital force as well as the regulating power of the Republic.

THE ELECTORATE.

It was not intended that every inhabitant of the States that formed the Union, and of the Territories, should be a factor, elector, or participant in the exercise of the sovereign powers of the people of the United States. To prohibit such a pretension, it was declared in this great decree of "the people of the United States" that the Constitution was ordained "in order to secure * * * the blessings of liberty to ourselves and our posterity."

In the establishment of the plan of the Republic, which is more important than any single provision that was adopted to execute it, it was not intended to leave the plan or its purposes within the reach of the power to amend the Constitution, but that these should remain inviolable, like the suffrage of the States in the Senate. Certain purposes are named, to accomplish which the Government of the Republic was ordained, and a certain class of people named, who are set apart to execute the sovereign power of conducting the Government of the people and by the people. Among these purposes none was more indispensable than the description or definition of the race of people upon whom the sovereignty was devolved and to whom it should be transmitted by laws through all coming generations. This great fact was settled in the preamble to the Constitution, and no room was left for the change of that decree by amendment of the Constitution. If it is changed by legislative enactment, such a law is an arbitrary usurpation. If it is changed by amendment of the Constitution, such an amendment revolutionizes the declared purposes and the plan of the Government of the Republic. When the people see the wrong that is done them in their sovereign and racial rights they will never cease work until they revoke such amendments by the exercise of their sovereign power through elections. But when this sovereign power is invaded by laws or constitutional amendments that deprave the electorate and force the States to share their sovereignty in the rightful powers of government with alien and inferior races who had no part in establishing the States or the Union, a wrong is done that so exasperates the people that they also are infected with an arbitrary and dangerous spirit of disobedience to law. I am not willing to encourage such degeneracy by my vote in the Senate, and this is the necessary effect of the provisions of this bill, and no change has been made in the Constitution that alters or abrogates the racial decree of the preamble of the Constitution. No race of people, who were excluded from classification, as "the people of the United States" have been admitted to the electorate by any amendment of the Constitution.

THE MEN WHO ORDAINED THE PLAN.

The men who established the plan of our republican Government and ordained the Constitution to carry it into effect were as wise as any who have succeeded them, or as any who had lived before them. The people they represented were not excelled by any in their virtues, their experiences, their intelligence, their self-reliance, and their appreciation of the blessings of liberty and independence.

They knew what they were doing; the magnitude of the task they undertook; the necessity for precision in declaring their will, so that nothing should be loosely stated or left in doubt as to what they intended.

No instrument was ever formed for the organization of government, in all its parts, that was more perfectly original and unprecedented; or that more completely provided for the formation of a union of sovereign states; or for the preservation of the rights of a sovereign people; or to prevent the intrusion of other people into their sovereignty; or for the proper distribution of the powers and functions of Government into official hands; or for the preservation of a sovereign electorate against debasement by alien and inferior races. It is perfect in all these provisions.

The plan of the republic and its purposes, as they are stated and fixed in the preamble to the Constitution, is a limitation, by agreement, embodied in a perpetual and irrevocable ordinance, fixing the scope and character of the provisions of the Constitution to be ordained by the convention, and the entire body of these laws was carefully adjusted to that plan.

The self-defining statement that "we, the people of the United States, do ordain this Constitution" referred to other inhabitants of the States and Territories who, at that time, were racially distinguished from the people of the United States. They were the negro race, who were then held in slavery, and were so recognized, in terms, by the Constitution, and Indian tribes, organized in separate but independent tribal governments; and Indians in the States who were not taxed.

THE RACIAL DESIGNATION OF THE SOVEREIGN PEOPLE.

That protection was not left to the capricious and dangerous control of ambitious, or altruistic, or facile, or corrupt politicians, who might find their advantage in the enactment of laws for the extension of the electoral power of the people, so as to include the lower classes and races of mankind. It was based upon the only safe and sure ground left to them, by limiting the right to exercise these sovereign powers to "ourselves and our posterity." The racial plan of exclusion was adopted because it was necessary to confine these powers to the white race.

If all the people who inhabited this country had been of the white race the words "ourselves and our posterity" would not have been inserted in the preamble to the Constitution. There were great numbers of obnoxious and revengeful Tories in the country when the Constitution was formed, but it was the true conception of statesmanship that the line of exclusion from the governing power should not be drawn with reference to political differences, however bitter they might be, for time would heal them; but the differences of blood between the white race and the inferior races would create unceasing discord in the government, as is now, unfortunately, the case.

If Indians in tribes, or Indians not taxed, and their following of runaway negroes and their posterity, and Mexicans, such as are marshaled as sovereign electors in this bill, had appeared by their delegates in the convention that ordained the Constitution of the United States, claiming that they were a rightful part of the sovereign people of the United States, and that they and their posterity should be included in the sovereign electorate, their expulsion from that body would have been summary and indignant. Unless the preamble to the Constitution has been abrogated, these races are still excluded from the rightful exercise of the sovereign powers of "the people of the United States."

The delegates who ordained the Constitution of the United States and their constituents came from former colonies, recognized as independent States in Jay's treaty, that were governed by white men, who, almost without exception, had experienced all the hardships of the war of the Revolution.

In molding the results of their great achievements into a form of government that was without precedent and is without fault they considered, with the most careful deliberation, every danger to be avoided in the future and every right that should be secured to the people of the States and the Federal Government. They gave to their posterity the wisest and best plan of government that has ever been devised or that will ever be projected, and secured its sovereignty in their hands by a decree that is its strongest bond of perpetual union.

If there remains an element of disintegration in our Government it is the expansion of statehood, so as to admit the inferior races into the exercise of the sovereignty that belongs to the white race, and the conferring upon them, by acts of Congress, equal powers in the electorate, through which alone that sovereignty can be exercised.

We have already enough inhabitants in our insular possessions to form twenty States, each of 500,000 population, nearly all of whom are of inferior races. Who dares even to contemplate this transfer of the sovereign powers of the Government of the United States into their hands?

If we add to this dangerous problem the change of our laws of naturalization, whereby every race of men can acquire citizenship of the United States and of the States in which they may reside under the fourteenth amendment, and then protect them, as is attempted to be done in this bill, against being denied the right to vote by laws that discriminate against them on account of race, color, or previous condition of servitude, we will find that in less than twenty-five years a very large control of the sovereign voting power of the States west of the Mississippi River will have passed into the hands of Chinese and Japanese; and the Gulf and South Atlantic States will be overwhelmed with naturalized negro voters from the Caribbean and other islands and coasts, and from Africa.

Every step that has been taken and every effort that has been made to degrade or destroy the sovereignty of the white race that was secured to them by the recognition of their racial blood and its flow in the hearts of their posterity has resulted from the coveting of power to control the Government by ambitious men or by sections of States that have been moved through